

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JUNE 16, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 644

Introduced by Assembly Member Wood

February 24, 2015

An act to amend Section 66474.02 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL’S DIGEST

AB 644, as amended, Wood. Land use: general plan: safety element: fire hazard impacts.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, unless it makes certain findings. Under that act, the legislative body of a county is required to make 3 specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined.

This bill would exempt from those requirements the approval of a tentative map, or a parcel map for which a tentative map was not required, that would subdivide land identified in the open space element of the general plan for the managed production of resources, as defined. The bill would apply the exemption to the subdivision of land that is consistent with the open space purpose, and would require the land to be subject to a binding *and recorded* restriction prohibiting the development of a habitable, industrial, or commercial building or

structure if the subdivision would result in parcels that are 40 acres or smaller in size. The bill would require all other structures to comply with specified defensible space requirements. The bill would additionally require the legislative body to make the 3 specified findings before later approving the removal of a binding restriction placed as a condition of a tentative map, or a parcel map for which a tentative map was not required, for land that was previously exempt from those requirements if the proposed subdivision would allow the development of a building or structure as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66474.02 of the Government Code is
2 amended to read:

3 66474.02. (a) Before approving a tentative map, or a parcel
4 map for which a tentative map was not required, for an area located
5 in a state responsibility area or a very high fire hazard severity
6 zone, as both are defined in Section 51177, a legislative body of
7 a county shall, except as provided in subdivision (b), make the
8 following three findings:

9 (1) A finding supported by substantial evidence in the record
10 that the design and location of each lot in the subdivision, and the
11 subdivision as a whole, are consistent with any applicable
12 regulations adopted by the State Board of Forestry and Fire
13 Protection pursuant to Sections 4290 and 4291 of the Public
14 Resources Code.

15 (2) A finding supported by substantial evidence in the record
16 that structural fire protection and suppression services will be
17 available for the subdivision through any of the following entities:

18 (A) A county, city, special district, political subdivision of the
19 state, or another entity organized solely to provide fire protection
20 services that is monitored and funded by a county or other public
21 entity.

22 (B) The Department of Forestry and Fire Protection by contract
23 entered into pursuant to Section 4133, 4142, or 4144 of the Public
24 Resources Code.

25 (3) A finding that to the extent practicable, ingress and egress
26 for the subdivision meets the regulations regarding road standards

1 for fire equipment access adopted pursuant to Section 4290 of the
2 Public Resources Code and any applicable local ordinance.

3 (b) (1) Subdivision (a) does not apply to the approval of a
4 tentative map, or a parcel map for which a tentative map was not
5 required, that would subdivide land identified in the open space
6 element of the general plan for the managed production of
7 resources, including, but not limited to, forest land, rangeland,
8 agricultural land, and areas of economic importance for the
9 production of food or fiber, if the subdivision is consistent with
10 the open space purpose and if, for the subdivision of land that
11 would result in parcels that are 40 acres or smaller in size, those
12 parcels are subject to a binding *and recorded* restriction prohibiting
13 the development of a habitable, industrial, or commercial building
14 or structure. All other structures shall comply with defensible space
15 requirements described in Section 51182 *of this code* or Section
16 4291 of the Public Resources Code.

17 (2) Any later approval to remove a binding restriction placed
18 as a condition of a tentative map, or a parcel map for which a
19 tentative map was not required, that would allow the development
20 of a building or structure for a parcel that has previously been
21 exempted from the requirements of subdivision (a) pursuant to
22 paragraph (1) of this subdivision shall be subject to the
23 requirements of subdivision (a).

24 (c) This section shall not supersede regulations established by
25 the State Board of Forestry and Fire Protection or local ordinances
26 that provide equivalent or more stringent minimum requirements
27 than those contained within this section.